



Fair Political Practices Commission

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NEWS ADVISORY

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Hearing Wednesday on Agua Caliente appeal in tribal gaming case *Agency contends tribe failed to comply with state disclosure laws*

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Oral arguments on a petition to overturn a Sacramento Superior Court ruling and dismiss a lawsuit by the Fair Political Practices Commission against the Agua Caliente Band of Cahuilla Indians will be heard this Wednesday (Feb. 18) in the 3rd District Court of Appeal in Sacramento.

The hearing, before Justices Coleman A. Blease, Richard Sims and Rod Davis, will begin **at 2 p.m. Wednesday in the Library and Courts Building, 914 Capitol Mall** (9th street and Capitol Mall).

The suit alleges that the tribe made contributions of more than \$7.5 million to California candidates and political committees between Jan. 1 and Dec. 31, 1998, but did not file major-donor reports disclosing that activity until late 2000. The commission also contends in the suit that the tribe failed to timely disclose more than \$1 million in late contributions, and that it failed to disclose information about its lobbying activities.

The suit was originally filed in Sacramento Superior Court on July 31, 2002, and later amended to add additional claims. On Jan. 27, 2003, in an historic ruling which rejected the tribe's claims of sovereign immunity in the case, Sacramento Superior court Judge Loren McMaster ruled in favor of the FPPC and denied the tribe's motion to dismiss the lawsuit. McMaster also ruled that the FPPC has enforcement jurisdiction over the tribe.

The tribe filed a petition on April 7, 2003, asking the 3rd District Court of Appeal to overturn McMaster's ruling. The appellate court dismissed the petition on April 24, returning the case to the trial court. The tribe then filed a petition for review by the state Supreme Court. On July 23, the Supreme Court ordered the case returned to the state appellate court for hearing.

Legal documents in the case are available on the FPPC website at www.fppc.ca.gov. Go to "Litigation" on the left side of the home page.

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Representing the FPPC on tribal sovereignty issues is Sacramento attorney Charity Kenyon of Riegels Campos & Kenyon LLP. The case is also handled for the FPPC by Enforcement Division Chief Steven Russo, with assistance from FPPC General Counsel Luisa Menchaca and staff counsel William L. Williams and C. Scott Tocher.

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